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Working Group II
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PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS:

ENVIRONMENTALLY SOUND MANAGEMENT OF TOXIC CHEMICALS

PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS AND WASTES

(Annex IV)

OPTIONS FOR AGENDA 21

Report of the Secretary-General of the Conference

INTRODUCTION

The text in this document represents the final text as adopted by Working Group II after the informal consultations on agenda item 4 (d) and (e) (ref. document A/CONF.151/PC/WG.II/L.19/Add.3) during the Third Session of the Preparatory Committee for the United Nations Conference on Environment and Development.

Furthermore the Secretary-General of the Conference was also requested by the Preparatory Committee, according to resolution 3/23, to submit to it, at its fourth session, document A/CONF.151/PC/WG.II/L.19/Add.3, as revised during the informal consultation at the third session.

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Annex IV

ENVIRONMENTALLY SOUND MANAGEMENT OF TOXIC CHEMICALS

PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS AND WASTES

OPTIONS FOR AGENDA 21

I. INTRODUCTION

1. A substantial use of chemicals is essential to meet the social and economic goals of the world community and today's best practice demonstrates that they can be widely used, cost effectively, and with a high degree of safety. However, a great deal remains to be done to extend the environmentally sound management of toxic chemicals, to undo the mistakes of the past, and to harness the carefully chosen use of chemicals to the causes of sustainable development and an improved quality of life in every country and every community across the globe. One of the major problems to tackle is the lack of sufficient scientific information for the assessment of risks of a great number of chemicals. Another problem is the lack of resources to assess chemicals for which data are at hand.

2. Other problems are related to the fact that the introduction of chemicals and of chemically-related industries in developing countries, which as yet lack the infrastructure and trained human resources for chemical safety, is often carried out on a far from environmentally-sound basis.

3. Gross chemical contamination, with grave damage to human health and the environment, has continued in recent times in some of the world's most important industrial areas. Restoration will require major investments and development of new techniques. The importance of long-range transport of pollution, with effects which can extend even to the fundamental chemical and physical processes of the Earth's atmosphere and climate, is only recently becoming understood.

4. A considerable number of international bodies are involved in work on chemical safety. In many countries work-programmes for the promotion of chemical safety are in place. Such work has international implications as chemical risks do not respect national boundaries. However, a significant strengthening of both national and international efforts is needed in order to achieve an environmentally sound management of chemicals.

II. OPTIONS FOR AGENDA 21

OVERALL OBJECTIVES

5. Overall objectives are:

(a) Beneficial use of chemicals for sustainable development and safe manufacturing with minimum risks to health and the environment.

(b) [Prevention of the uncontrolled exports of banned and severely restricted chemicals to developing countries which have neither the know-how, nor the capacity to manage such chemicals.]

(c) [Promotion of specific procedures to enable countries concerned to take well-informed decisions on the management of toxic chemicals.]

(d) [Adoption of strategies precautionary and anticipatory in approach for environmentally sound management of chemicals in each country not later than the year 2000 with implementation as soon as possible thereafter.]

PROPOSED PROGRAMME AREAS

6. The following major programme areas are proposed as options:

(a) Expanding and accelerating the international assessment of chemical risks

(b) Harmonization of classification and labelling of chemicals

(c) Information exchange on toxic chemicals and chemical risks

(d) Establishment of risk reduction programmes

(e) Strengthening of national capabilities and capacities for management of chemicals

7. Common for the five programme areas is that their successful implementation is highly dependent, on one hand, on intensive international work, still better coordination of current international activities, and on the other hand on the identification and application of technical, scientific, educational and financial means, in particular for developing countries. To a varying degree the programme areas involve hazard assessment, based on the intrinsic properties of chemicals, risk assessment, including assessment of exposure, risk acceptability and risk management.

8. The collaboration on chemical safety between UNEP/IRPTC, ILO and WHO in the IPCS should be the nucleus for international cooperation on environmentally sound management of toxic chemicals. All efforts should be made to strengthen this programme. Cooperation with other programmes, and particularly the OECD and EC Chemicals Programme, should be promoted.

9. Increased coordination of United Nations agencies and other international organizations involved in chemicals assessment and management should be further promoted. Within the framework of IPCS an intergovernmental meeting, convened by the Executive Director of UNEP, to be held in London in December 1991 should further explore this matter.

10. The broadest possible awareness of chemical risks is a prerequisite for achieving chemical safety. Therefore, the principle of community right to know should be recognized and the industry initiative on responsible care and product stewardship should be developed and promoted. Large industrial

enterprises including transnational corporations should apply adequate standards of operation in all countries in order not to damage human health and the environment.

A. EXPANDING AND ACCELERATING THE INTERNATIONAL ASSESSMENT OF CHEMICAL RISKS

Basis for Action

11. The assessment of risks to human health and environment that a chemical may cause is a prerequisite to planning for its safe and beneficial use. Out of the approximately 100,000 chemical substances in commerce and the thousands substances of natural origin which human beings come into contact, many substances appear as pollutants and contaminants in food, commercial products and the various environmental media. Fortunately the exposure to most chemicals is rather limited as most are used in very small amounts. Some 1,500 chemicals cover over 95 per cent of the total world production. But a serious problem is that even for a great number of high volume production chemicals, crucial data for risk assessment are often lacking.

12. Risk assessment is resource-intensive. It could be made cost-effective by strengthening international cooperation and better coordination, thereby making best use of available resources and avoiding unnecessary duplication of efforts.

Objective

13. Strengthening of international risk assessment. About 500 priority chemicals or groups of chemicals, including major pollutants and contaminants of global significance, could have been assessed by the year 2000 using current selection and assessment criteria.

Activities

14. Relevant international organizations with active participation of Governments 1/ and industry [should]:

(a) Strengthen and expand programmes on chemical risk assessment within the United Nations system (IPCS: UNEP, ILO, WHO), based on agreed approach to data quality, assurance, application of assessment criteria, peer review and linkages to risk management activities.

(b) Produce guidelines for acceptable exposure for a greater number of substances, based on peer review and scientific consensus distinguishing between health-based exposure limits and those relating to socio-economic factors.

(c) Give high priority to hazard assessment of chemicals, i.e. of their intrinsic properties as the appropriate basis for risk assessment.

1/ [Throughout this document "Governments" also refers to the European Community acting in the sphere of its competence.]

(d) Review strategies for assessment of exposure and environmental monitoring to allow for the best use of available resources, to ensure compatibility of data and to encourage coherent national and international strategies for exposure assessment.

(e) Promote mechanisms to increase collaboration amongst government, industry, academia and relevant NGOs, involved in the various aspects of risk assessment of chemicals and related processes, in particular promoting and coordinating research activities to improve understanding of the mechanisms of action of toxic chemicals.

(f) Improve methods for assessment of chemicals for work towards a common framework for risk assessment and improve procedures for using toxicological and epidemiological data to predict the effects of chemicals on human health and the environment, in order to enable decision makers to adopt adequate policies and measures to reduce hazards posed by chemicals.

(g) Develop criteria for priority-setting of chemicals of global concern for assessment.

(h) Promote research on and validation of methods to those using test animals, thus placing the use of animals for testing purposes.

(i) Promote relevant epidemiological studies with a view to establishing a cause-effect relationship between exposure to chemicals and the occurrence of certain diseases.

(j) Generate data necessary for assessment building on, inter alia, IPCS, (UNEP, WHO, ILO), OECD and EC programmes. Industry should participate actively.

(k) Encourage the development of procedures for countries to exchange with other countries' assessment reports on chemicals for use in national chemical assessment programmes.

(l) Strengthen research for substitution of toxic chemicals.

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

- Financing and cost evaluation

- Scientific and technological means

- Human resources development

- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development]

B. HARMONIZATION OF CLASSIFICATION AND LABELLING OF CHEMICALS

Basis for Action

15. Adequate labelling of chemicals, based on assessed risks to health and environment, is the simplest and most efficient way of indicating how to handle and use chemicals safely.

16. For the safe transport of dangerous goods, including chemicals, a comprehensive scheme elaborated within the United Nations system is in current use. This scheme takes mainly into account the acute hazards of chemicals.

17. Globally harmonized classification and labelling systems are not yet available to promote the safe use of chemicals at the workplace, in the home, etc. Classification of chemicals can be made for different purposes and is a particularly important tool in establishing labelling systems.

18. [IPCS, in consultation with other concerned bodies, should initiate the process of harmonizing existing classification systems.]

Objective

19. A globally harmonized classification and labelling system including easily understandable symbols [should] be available by the year [2000].

Activities

20. International bodies including, inter alia, IPCS (UNEP, ILO and WHO), FAO, and with the cooperation of IMO, OECD and EC [should] establish a coordinating group to:

(a) Make comparative studies of existing classification and labelling systems as a starting point for establishing general principles for a globally harmonized system.

(b) draft proposals for standardization of hazard communication terminology and symbols in order to enhance risk management of chemicals, facilitate international trade and make it easier to translate the information into the end user's language.

(c) elaborate a harmonized classification and labelling system.

21. Relevant international organizations and Governments [should urgently]:

- Finalize and establish a harmonized classification and labelling system for use in all United Nations languages [including adequate pictograms]. Such a labelling system should not lead to the imposition of unjustified trade barriers.

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C. INFORMATION EXCHANGE ON TOXIC CHEMICALS AND CHEMICAL RISKS

Basis for action

22. The London guidelines are addressed to Governments with a view to assisting them in the process of increasing chemical safety in all countries through the exchange of information on chemicals.

23. The export to developing countries of chemicals which have been banned in one or more countries or whose use has been severely restricted in some industrialized countries has been the subject of concern as some importing countries lack the ability to assure safe use, due to inadequate infrastructure for controlling the availability, storage, formulation and disposal of chemicals.

24. In order to address this issue, provisions for Prior Informed Consent (PIC) procedures were introduced in 1989 in the "London Guidelines for the exchange of information on chemicals in International Trade" (UNEP/IRPTC) and in the "International Code of Conduct on the Distribution and Use of Pesticides" (FAO). In addition a joint FAO/UNEP programme has been launched for the operation of the PIC procedures for chemicals including the selection of chemicals to be included in the PIC procedure and preparation of PIC decision guidance documents. The ILO chemicals convention calls for communication between exporting and importing countries when hazardous chemicals have been prohibited for reasons of safety and health at work. [Within the GATT framework, negotiations are being pursued with a view to create a binding instrument on products banned or severely restricted in the domestic market].

Objective

25. Intensified exchange of information on chemical safety between all involved parties.

26. Full implementation of the Prior Informed Consent procedure [including mandatory applications through legally binding instruments] contained in the amended London Guidelines and in the FAO International Code of Conduct by the year [2000].

Activities

27. Governments and industries of countries exporting chemicals as well as international organizations [should]:

(a) Provide knowledge and information on restricted or banned chemicals to importing countries to enable them to judge and take decisions on whether to import and how to handle these chemicals and establish joint responsibilities in trade of chemicals between importing and exporting countries.

(b) Establish technical cooperation with and provide information to other countries, especially those with shortages of technical expertise, including training in the interpretation of relevant technical data, e.g. data provided through the FAO/UNEP joint programme on PIC (Decision Guidance Documents) and those submitted by industry or by other sources.

(c) [Invite UNEP and FAO to work expeditiously towards the conclusion of the necessary legally binding instrument]

(d) Strengthen international institutions and networks such as the IRPTC, responsible for information exchange on toxic chemicals.

(e) Improve database information systems on Toxic Chemicals, including emission inventory programmes, through provision of training as well as soft- and hardware and other facilities.

(f) Cooperate in strengthening and expanding the network of designated national authorities and establish a technical exchange programme to produce a core of trained personnal within each participating country.

28. United Nations organizations should provide all information material on toxic chemicals in all United Nations languages.

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D. ESTABLISHMENT OF RISK REDUCTION PROGRAMMES

Basis for Action

29. There are often alternatives to hazardous chemicals currently in use. Thus risk reduction can sometimes be achieved by using other chemicals or even non-chemical methods. The classical example of risk reduction is the substitution of harmless or less harmful substances for harmful ones. Setting standards for chemicals in each environmental media, food, consumer goods, etc., is another example of risk reduction. In a wider context risk reduction involves international approaches to reduce the risks of selected chemicals taking into account the entire life cycle of the chemicals. Such approaches could encompass both regulatory and non-regulatory measures including, inter alia, the promotion of the use of cleaner products and technologies, product labelling, use limitations, and the phasing out or banning of chemicals.

30. In the agricultural area, integrated pest management including biological control is one way of risk reduction.

31. Other areas of risk reduction encompass the prevention of chemical accidents, prevention of poisoning by chemicals and the undertaking of toxicovigilance and coordination of clean-up and rehabilitation of areas damaged by toxic chemicals.

Objective

32. To eliminate unreasonable risks and reduce risks to the extent economically feasible, posed by chemicals employing a broad-based approach, involving a wide range of risk reduction options and by taking precautionary measures.

Activities

33. Governments [should]:

(a) Adopt policies based on the pollution preventions and the lifecycle approach to chemical management, covering manufacturing trade, use and disposal.

(b) [Adopt policies and legal frameworks and procedures to identify, regulate and minimize the use of hazardous chemicals, by substitution, severely restricting the use, and phasing out of the production and use, as a priority for those chemicals which are on the prohibition lists of international conventions, in particular asbestos materials and organohalogen compounds.]

(c) Carry out national reviews of earlier accepted pesticides and reviews of the possible substitution of other pest-control methods, particularly for pesticides which are toxic-persistent and/or bio-accumulative.

(d) Encourage national and regional work to harmonize evaluation of pesticides.

(e) Increase efforts to identify national needs for standard setting and implementation in the context of the FAO/WHO Code Alimentarius in order to minimize the adverse effects of chemicals in food.

(f) Develop national policies and adopt the necessary regulatory framework for prevention of accidents (land use, planning, permit systems, reporting requirements on accidents, etc.) and work with UNEP's international directory of regional response centres and APELL programme.

(g) Cooperate in the development of chemical risk communication guidelines at the national level to promote information exchange with the public.

(h) [Develop programmes including research, to replace toxic chemicals with alternative clean production substitutes, and especially such toxic chemicals for which there is reason to believe that their use may need to be restricted or banned, including the ones which are on the prohibition list of international conventions, in particular asbestos material and organohalogen compounds]

(i) Collaborate to develop common criteria to determine which chemicals are suitable candidates for concerted risk reduction activities.

(j) Undertake concerted activities to reduce risks of selected chemicals, taking into account the entire life cycle of the chemicals. These activities could encompass both regulatory and non-regulatory measures including: the promotion of the use of cleaner products and technologies, emission inventories; product labelling; use limitations, economic incentives; and the phasing out or banning of chemicals.

(k) Reduce in the over-dependence on the use of agricultural chemicals through alternative farming practices, integrated pest management or other appropriate means.

(l) Develop policies for manufacturers, importers and others using toxic/hazardous chemicals to disclose toxicity information declaring risks and emergency response arrangements.

(m) [Require] manufacturers, importers and others using toxic/hazardous chemicals to develop emergency response procedures and preparation of on-site and off-site emergency response plans.

(n) Encourage large industrial enterprises including transnational corporations and other enterprises to introduce policies and commitment to adopt equivalent or not less stringent standards of operation, as in the country of origin.

(o) [Prohibit the exporting of chemical products, the sale of which is banned in the state of origin].

(p) Identify, assess, reduce and minimize or eliminate as far as feasible by environmentally sound disposal, risks from storage of outdated chemicals.

34. Industries [could]:

[Develop an internationally agreed upon code of principles for the management of trade in chemicals.

35. International organizations [could]:

(a) Formalize networks of emergency response centres.

(b) Promote technology that would minimize the use of hazardous chemicals and processes in all countries.

(c) Promote exchange of information on national and regional activities to reduce the risks of chemicals.

(d) Coordinate concerned risk reduction activities.

(e) [Promote and develop legal instruments and mechanisms to phase out the production and use of asbestos materials, formulating programmes to substitute them for safer alternatives].

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E. STRENGTHENING OF NATIONAL CAPABILITIES AND CAPACITIES FOR MANAGEMENT OF CHEMICALS

Basis for Action

36. Many countries lack national systems to cope with chemical risks. In several countries with systems in place there is an urgent need to make the systems more efficient.

37. Basic elements for national sound management of chemicals are: (i) adequate legislation; (ii) information gathering and dissemination; (iii) capacity for risk assessment and interpretation; (iv) establishment of risk management policy; (v) capacity for implementation and enforcement; (vi) capacity for rehabilitation of contaminated sites and poisoned persons.

38. As management of chemicals takes place within a number of sectors, related to various national ministries, experience suggests that an interministerial coordinating mechanism is essential.

Objective

39. National systems for environmentally sound management of chemicals including legislation and provisions for implementation and enforcement should be in place in all countries to the extent possible by the year [2000].

Activities

40. International organizations [should]:

(a) Prepare guidelines with advice and check lists for enacting, legislation in the chemical safety field.

(b) [Support countries, particularly developing countries, to develop and further strengthen national legislation and its implementation.

(c) [Build on past, present and future risk assessment works at international level, to support countries, particularly developing countries to develop and strengthen risk assessment capabilities at national and regional levels to minimize and when appropriate prevent risk in the manufacturing and the use of toxic and hazardous chemicals.]

(d) Promote full implementation of UNEP's APELL programme and in particular the international directory of emergency response centres.

(d) Enhance technical training for developing countries in relation to risk management.

(f) Cooperate with developing countries in the setting up of an institutional mechanism at national level and the development of appropriate tools for management of chemicals.

(g) Arrange at all levels of production and use initiation courses aimed at staff working on chemical safety issues.

(h) Develop mechanisms to make maximum use in countries of internationally available information.

(i) Promote translation where feasible of internationally prepared documents on chemical safety into local languages and support various levels of regional activities related to technology [transfer] and information exchange.

(j) Invite UNEP to develop, agree to, and implement guiding principles for accident prevention, preparedness and response for Governments, industry and the public, building on the OECD and ECE work in this area.

(k) Establish programmes which provide the public with information about chemical stockpiles, environmentally safer alternatives and emissions.

(l) To cooperate with developing countries in strengthening their institutional and regulatory capacities in order to prevent illegal international traffic in toxic and dangerous products and wastes.

41. Governments [should] at national level:

(a) [Establish an interministerial coordinating mechanism, presided over by a senior member of the Government, to provide liaison between all parties involved in chemical safety activities (e.g. agriculture, education, industry, labour, health, transportation, police, civil defence, economic affairs, research institutions, poison control centres).]

(b) Direct information campaigns to the general public to increase the awareness of problems on chemical risks including programmes providing information about chemical stockpiles, environmentally safer alternatives and emission inventories which could also be a tool for risk reduction.

(c) In conjunction with IRPTC, establish national registers and databases for chemicals.

(d) Develop an institutional mechanism for the management of chemicals.

(e) [Develop networks of emergency response centres, including poison control centres].

(f) Develop national and local capabilities to respond to accidents by full implementation of the APELL and similar programmes and regularly tested and updated emergency plans consistent with the OECD guiding principles on accident prevention, preparedness and response, where appropriate.

(g) Organize, in collaboration with industry and trade unions, training programmes in management of chemicals, including emergency response, targeted at all levels.

(h) In cooperation with industry develop emergency response procedures, identifying necessary means and equipment in industries and plants to reduce the impacts of accidents.

(i) [Adopt legislation to prevent illegal international traffic in toxic and dangerous products and wastes and to strengthen institutional capacities for this purpose.]/[Employ measures, primarily in the area of enforcement, to prevent the illegal international traffic in toxic and dangerous products and wastes and strengthen institutional capacities for this purpose.]

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

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